


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE UNDER 37 C.F.R. §1.10

525318

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 7 day of October, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV114073972US addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450


Michelle Ludwig

In re application of: Bogdanova et al.)
Serial No.: 10/525,318) Examiner: Unknown
Filed: February 23, 2005) Group Art Unit: Unknown
For: Nucleotide Sequence Encoding Cry1Bb) Conf. No. 5329
Proteins for Enhanced Expression Plants)

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- ☒ Response to Notification of Missing Requirements
- ☒ Copy of Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US)
- ☒ Declaration for Utility or Design Patent Application
- ☒ Disk Copy of Sequence Listing (CRF)
- ☒ Paper Copy of Sequence Listing
- ☒ Fee Transmittal for Year 2005
- ☒ Return Postcard
- ☒ If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly.
- ☒ Please debit \$380.00 from Deposit Account 13-4125 for the fee required with this filing.
- ☒ Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached.

10/17/2005 MKAYPAGH 00000151 134125 10525318

01 FC:1617 130.00 DA
02 FC:1615 50.00 DA
03 FC:1614 200.00 DA

Respectfully submitted,



Timothy K. Ball, Ph.D., Esq.
Reg. No. 42,287
800 North Lindbergh Boulevard, Mail Zone E2NA
St. Louis, Missouri 63167
(314) 694-5811
(314) 694-5311 (facsimile)

**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 380

Complete if Known

Application Number: **07 OCT-2005**
Filing Date: 2/23/2005
First Named Inventor: Natalia N. Bogdanova
Examiner Name: Unknown
Art Unit: Unknown
Attorney Docket No.: 38-21(15414)B

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

13-4125

Deposit
Account
Name

Monsanto Company

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fees under 37 CFR 1.16 and 1.17
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

				Extra Claims		Fee from below		Fee Paid
Total Claims	22	-21 **	=	1	X	50	=	50
Independent Claims	12	-11 **	=	1	X	200	=	200
Multiple Dependent							=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 250)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	


Other fee (specify) _____

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$130)**4. SEARCH/EXAMINATION FEES**

1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	

SUBTOTAL (4) (\$0)**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Timothy K. Ball, Ph.D., Esq.	Registration No. (Attorney/Agent)	42,287	Telephone	(314) 694-5811
Signature				Date	10-7-2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,318	Bogdanova	38-21(15414)B

INTERNATIONAL APPLICATION NO.

PCT/US03/26510

I.A. FILING DATE

08/26/2003

PRIORITY DATE

08/29/2002

Timothy K Ball
Monsanto Company c/o Gail Wuellner
800 North Lindbergh Boulevard
Mail Zone E2NA
StLouis, MI 63167

CONFIRMATION NO. 5329

371 FORMALITIES LETTER



OC000000016715641

Date Mailed: 08/08/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/23/2005
- Copy of the International Search Report filed on 02/23/2005
- Copy of IPE Report filed on 02/23/2005
- U.S. Basic National Fees filed on 02/23/2005
- Priority Documents filed on 02/23/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$250** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$380** for a Large Entity:

GW

● **\$130 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

● **Total additional claim fee(s) for this application is \$ 250**

- **\$200 for 9 independent claims over 3.**
- **\$50 for 2 total claims over 20.**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,318	PCT/US03/26510	38-21(15414)B

FORM PCT/DO/EO/905 (371 Formalities Notice)

Rec'd PCT/PTO 07 OCT 2005

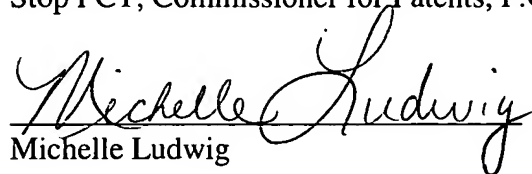
#4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. §1.10

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 7 day of October, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV114073972US addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450


Michelle Ludwig

In re application of:	Bogdanova et al.)
) Examiner: Unknown
Serial No.:	10/525,318)
) Group Art Unit: Unknown
Filed:	February 23, 2005)
) Conf. No. 5329
For:	Nucleotide Sequence Encoding Cry1Bb)
	Proteins for Enhanced Expression Plants)

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Response to Notification of Missing Requirements

This paper is in response to the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US) dated August 8, 2005.

Remarks

This submission provides herewith the Sequence Listing in computer readable form and corresponding paper copy of the Sequence Listing and requests its entry into the application. In accordance with 37 C.F.R. §1.821(f), the sequence listing information recorded in computer readable form submitted herewith in the above-mentioned application is identical to the paper copy of the sequence listing. Please substitute the enclosed paper copy of the sequence listing for

the previously filed copy. I also hereby state that this submission, filed in accordance with 37 C.F.R. §1.821(g) does not include new matter.

In further compliance with the Notification, Applicant submits herewith a Declaration signed by all inventors.

Also enclosed is a copy of the Notification of Missing Requirements Under 35 USC 371 in the United States Designed/Elected Office (DO/EO/US).

For completion of the requirements, the Commissioner is authorized to charge the outstanding additional claim fees of \$250.00 and surcharge for late submission of the oath of \$130.00 to Monsanto Company Deposit Account 13-4125 and any additional fees it may deem necessary.

It is believed that with this submission the Applicant has been fully responsive to the requirements for acceptance under 35 USC 371.

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, please contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy K. Ball', is written over a horizontal line.

Timothy K. Ball, Ph.D., Esq.

Reg. No. 42,287

800 North Lindbergh Boulevard

Mail Zone E2NA

St. Louis, Missouri 63167

(314) 694-5811

(314) 694-5311 (facsimile)